Gizella Weisshaus
203 Wilson Street
Brooklyn NY 11211
(718) 387-0026

10/10/06

To: Departmental Disciplinary Committee,
Supreme Court, Appellate Division
First Judicial Department
61 Broadway
New York, NY 10006.

RE: Complaint against Mr. Burt Neuborne, Esq. for violation of law and ethics.

Dear Sir/Madam,

This is my complaint against attorney Burt Neuborne from NYC, who is subject to your Jurisdiction.

Nature of the complaint:

This is a complaint against Mr. Neuborne for stealing my rights and the rights of others for his personal gain and for the benefit of his cronies. The scheme or scam was perpetrated by employing lies, fraud and dishonesty, which made him and his cronies affluent people beyond imagination. His conduct reflect upon his character, which is not compatible for an attorney.

Date of violation noticed: This is a continuous trend of conduct since 1990 until today and it will end when the money of the fund will be depleted. (May be already gone.)

Dockets.Justia.com

Detailed information about the violations

Background Information

I am a Holocaust survivor and I was lead Plaintiff in the class action against the Swiss Banks in case 96-4846 that was adjudicated by the federal court of the eastern district of New York. (Brooklyn).

Attorney Edward Fagan represented me and as well was representative of my class. I believed then that Justice is about to be done for me and for other holocaust survivors situated similarly[1]. We expected to receive the money that our parents or other relatives deposited in Swiss banks to be there for us if we survive the Holocaust. We survived the Holocaust and yet the Banks declined to honor the will of the depositors and have not paid out our money so we finally decided to file suit against them.

Eventually, the Swiss banks agreed to settle the case. I refused to accept the settlement- offer and based on a dispute with my attorney[2] I fired him and therefore technically the settlement could not go through because one party (Plaintiff) objected to the settlement and my attorney was without power to represent me and or the class[3]. To resolve the vacuum Judge Korman decided to appoint Mr. Burt Neuborne as court appointed attorney, bestowed upon him the title of "Lead settlement Counsel" and expected him to "Solve the problem".

Neuborn's Job was to advice the judge, as chief architect of the settlement, how to legalize the illegal/criminal activities and in essence how to treat the "Settlement fund" as a private fund for Judge Korman and his cronies[4]. Mr. Neuborne announced on every forum possible that he would serve the holocaust survivors exceptionally and even

[1] I never imagined in my wildest dreams that this money will be embezzled by a US Judge and given away to his cronies.

[2] He embezzled my money (Private money) in his possession and is about to be disbarred for it in NJ.

[3] Attorney Moore declined to sign the agreement too, pursuant to his clients' instructions.

[4] This was a fund of $1.25 Billion dollars that is now gone.

volunteers his legal services to this cause free of charge, and therefore no other attorneys jumped on the opportunity to do a job for free.[5]

Burt Neuborne advised the Judge to disregard the notice of termination that I issued to my attorney and allowed my fired attorney to sign the settlement with the party opponent, as if I have conceded to it, and so received formally the possession of the money of the fund.

Attorney Edward Fagan signed the agreement[6] on behalf of me and on behalf of the class without any authority and thus the signed settlement agreement was no more than a void document. Then, upon the advice of Lead attorney Neuborne they replaced my name on the settlement agreement with a non-existing Plaintiff. After a while they decided again that they should change again the "Settlement agreement" and so drafted at least 5 versions of the settlement-agreement which was signed by the cronies for both sides of the aisle including for the banks, without their authority, knowledge, or consent. This falsification of documents gave the cronies upon the advice of Mr. Neuborne the power to embezzle the fund and Judge Korman approved the bogus versions of all the settlement- agreements. This was the preamble to the bold embezzlement of the fund.

Consequently, Mr. Neuborne advised the Judge to appoint new attorneys to the settlement fund[7], new Parties[8], and to disregard the attorneys on record, or the plaintiffs on record and he continued with the bogus "Settlement agreements" which contain no real parties[9], or real signatures and is a bogus deal from the get go.

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[5] Once he accumulated power, he forgot about his public pledges and demanded millions of dollars for attorney fees from the settlement fund. This claim for attorney fees is currently disputed by holocaust survivors (Not representing the fund) see: http://www.swissbankclaims.com click on "English" and on "Neuborne post settlement fee" you will find: 9) Objections to the Petition of Burt Neuborne Presented by attorney Samuel Dubin on 150 pages, as well
15) Superseding Objections of David Schaechter, Leo Rechter, David containing 209 pages and also16) Swift Superseding Objections 26 pages by attorney swift which includes a lot of documents to discredit this liar. All the objections came from private people who do not represent the fund. The fund was in default against Neuborne's request because he represents the fund and sues the fund at the same time. He made already enough money on related cases to the Swiss case.

[6] Attorney Teddy Moore declined to sign the agreement too, pursuant to the wish of his clients.

[7] He compensated by now more then a dozen law-firms for just being cronies, but not compensated the only attorney on record, Teddy Moore, who is entitled to attorney fees but because he is not a crony he may not be considered under the rules of the "Whim".

[8] Including bogus names.

Thereafter they decided based on the advice of Burt Neuborne to allocate the money of the holocaust victims to anybody they please, other then the original and legitimate plaintiffs[10].

They decided that right is wrong and vice-versa and nobody was there to tell them stop the embezzlement because they were all in the loop of the cronies, and therefore they were there in the first place. Neuborne recommended approval of attorney fees to his cronies when he knew that they are not eligible for it[11], and so a friend brought a friend into this circle of extreme influx of money and there was nobody to supervise the allocations[12] of the fund. Judge Korman, pursuant to the advice of Burt Neuborne, appointed "His" attorneys"[13] to supervise the extreme wealth that fall into their hands, appointed new Plaintiffs, approved money from the fund based on the Whim of Judge Korman.The whim of Judge Korman became the law for allocation of the fund. There were no rules or regulations[14] to operate this Hugh amount of money except for the whim of judge Korman and this is the basis for the extreme corruption and embezzlement of $1.25 Billion dollars, which is the biggest embezzlement in US legal system ever. The real winner of this windfall of money was Judge Korman and his cronies. The big losers were Plaintiffs, the legitimate holocaust survivors.

Burt Neuborne who is a pathological liar claims that all the criminality was approved by the court of appeals. How can the court of appeals approve a void "Settlement"? How can a court of appeals review a case with a bogus record without documents with no transparency? Here is his opportunity to tell you more lies.

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[9] Jacob Friedman,or sometimes they call him Abraham Friedman are non existing figures,they have no address,provided no affidavit in the court and nobody claim that he has power of attorney from him (See Exhibit "11")

[10] Legitimate Plaintiff needed to prove their case, all others just received the money upon request. Most of the fund was paid to the cronies.

[11] See Exibit "12".

[12] From these predators- cronies

[13] They received all kind of titles," Settlement counsel"," Member of executive committee" etc. Every such title entitled the carrier of such title to money from the fund, and none without such title was entitled to anything. This is a system of entitlement by connection to the cronies.

[14] Mr. Neuborne claimed that absent the rules money would flow easier to their pockets, like in a lawless country.

Detailed documentation of wrongdoing by Burt Neuborne

1. On September 18,2002 Mr. Neuborne recommended to Judge Korman to increase payment of attorney fees for Mel Urbach (Exhibit "1") for allegedly: "Extraordinary commitment to his clients" Mr. Mel Orbach acted allegedly together with the law offices of Berger & Montage as co—counsel to the world council of orthodox Jewish communities Inc. ("WCOOJC") and some other plaintiffs. WCOOJC was a corporation established months after the settlement of the case for the only purpose to collect illegal money from the settlement-fund ("Fund") everybody knew at the time that WCOOJC is a bogus organization that will not receive the money and that the money will land in the pockets of some cronies of Mr. Neuborne. How do I know that? Because on 3/14/2000,months before the money was transferred to the cronies, the corporation openly rejected to participate in the scam and notified the entire world from the pages of NY Times that they reject participation in this scam (Exhibit "2") I was also a client of those attorneys[15] and I found out that nobody of their clients including myself have received anything from them, as clients deserve when attorneys win. Is this an "Extraordinary commitment"? This is an extraordinary commitment to lie by Burt Neuborne and award money for scams and treat the fund as his personal property. It was brought to the attention of Mr. Neuborne that this fraud should be disgorged back to the fund, but he declined to advice the judge to do so. This is the only case known to me that attorneys are awarded attorney fees but their clients get absolutely nothing, and yet attorneys are praised for their commitment to their clients, which is the pretext to pay them attorney-fees.

2. On September 18, 2002 Mr. Neuborne recommended to Judge Korman to award attorney fee for Berger &

[15] According to their record and claims.

Montage (Exhibit "3") for allegedly "participating constructively in developing plaintiffs[16] legal position", what position? They just took the money that was offered and run! Everybody is entitled for attorney fees for the same basis, just by being a crony.

3. On November 1,2002 based on recommendations of Burt Neuborne (Exhibit "4") The Law offices of Mel Urbach received an additional payment as co-counsel with Berger & Montage, when Mr. Neuborne should have told the judge to decline the request, and let them appeal the first order that granted them any attorney fees. Obviously, this decision circumvents the necessity of an appeal, which is an illegal withdrawal of money from the fund (In other words: embezzlement) and this is what Neuborne recommended to the Judge for approval, another embezzlement from the fund.

4. On December 5,2002 (Exhibit "5") Judge Korman manipulated the record. Upon Neuborne's recommendation Judge Korman ordered a bogus award of attorney fees in the amount of $750,000 for attorney Fagan, when in fact this attorney received $3.8M.In the same order the Judge awarded to me $100,000 to cover the embezzled money that Mr. Fagan stole from me and so make me "whole". In the same order Judge Korman awarded Mr. Fagan $250,000 for withholding attorney fees of a client of his. Attorney Teddy Moore requested on the same ground to award him attorney fees but Burt Neuborne has not recommended this award without any explanation.

5. Everybody knows that Mr. Fagan received $3.8M but you cannot find it on record because the record of the court does not reflect the truth. How do I know? This is what Mr. Fagan admitted himself to the New Jersey Law Journal (See: Exhibit "6"). It will be up to Mr. Neuborne to tell you where the money ($3M) has gone, and why the record is so manipulated and corrupt. What does he hide more?

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[16] Plaintiff's legal position appeared and was displayed on the complaint drafted by Mr. Moore, that fights still the cronies for his attorney fees.

6. When I filed a request to stop the robbery of the fund it was denied in the same day it was filed (See Exhibit "7") the motion contained 200 pages. My request to stop the sealing of documents was also denied (See Exhibit 13)

7. On November 6,2002 Judge Korman denied finally the motion for reconsideration of attorney fees For Kohn Swift & Graf (Exhibit"8") and they should have appealed their case to the court of appeals of the second circuit. Have they appealed their case? No, after interference by Burt Neuborne the judge granted the motion (Exhibit "9"). Another approval of an embezzlement from the fund was granted. The aforementioned law firm had no clients, and no admission to the court. (Exhibit"10"). In this matter Judge Korman has been sitting himself as a panel of three judges on appeal on his own decision and approved it based on his whim[17], this was the petition, which Neuborne recommended for approval and as you see it was granted. Can you tell why the first petitions were denied and thereafter approved? No, because you have no right to know what's going on in the 'private fund' of Burt Neuborne.

8. Mr. Neuborne would not allow disclosure of documents because of the necessity to keep secret the corruption and the heavy manipulated record[18], which deprives litigants from their rights to be able to prove their cases. The record supervised by Neuborne is a combination of "sealed documents" in conjunction with manipulated and corrupt documents. Nobody may present a credible record on appeal and thus nobody can win there any case. The burden is on the appellant to prove the corruption and manipulations, but even if one can prove it, he enters into catch 22 zone because nothing based on a bogus and corrupt record will be granted by the court of appeals. Thus, all that can be

[17] Judge Korman's whim as you know already is the law, bylaw, regulations, everything that matters for collecting money from the fund. Therefore, there should be no surprise about the corruption that was committed in the close circle of the cronies, with bogus records, false papers and baseless explanations.
[18] Much of the record is "Sealed". Why sealed? Because it should be kept secret so says Mr. Neuborne, Chief manipulator of the money.

done now is to impeach, disbar and jail the cronies. So please do your part, the jailing and impeachment will be done by the proper instance against the cronies who participated in the fraud, but as you see Mr. Neuborne is an expert of embezzling and larceny (See Exhibti"14").

9. Mr. Neuborne is a practicing attorney of one case only, the case of "Holocaust Victims"[19]. He has no office and no overheads because he does not pay to NYU University any fees for his illegal and unauthorized use of their property as his law office. He never returned any payments[20] to NYU for working on their time & payroll for the benefit of his "Private cases", Using university time and services for his Law Office, disregarding their property rights, not paying them the fair share of the worth of rent of a comparable Law-office, or even not asking for their approval to use the facilities for his private use. He treats the University the same way he demonstrated in this case, as if the university is his private property and it pays him rent (Salary) and has no other rights. If he denies this, let him show what he paid for these services that he stole from NYU in the last decade, let him show recipts, agreements, proof of any authorization for private work on university territory, if he claims any payment that he made, ask him to whom? When? Has he reimbursed them for stamps, rentals and other services that he used for his private use of his law-office in the last decade? Let him show how much money he made of his case and how much he paid out of it to NYU when, and what was the worth of the services that he stole from the university. Mr. Neuborne behaves as an outlaw (As he is) without any regard for anybody, he lies, steals, and his greediness will bring him over the top or perhaps the money that he stole will buy him out of trouble. Based on this conduct he sure has not paid any taxes to the IRS for the fortune he made here. If he denies it let him show what he paid to the IRS for this case[21]. Don't listen to his lies, request documents and check carefully their authenticity. His word is worth nothing.

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[19] Including "Swiss case"," German case"," Slave labor" etc.

[20] Even not a penny.

[21] Including the relating cases.

I am sure that the disciplinary committee will find this issue worthy of investigation and I look forward to hearing from you as to the disposition of this matter. Please do not hesitate to contact me.

Respectfully submitted,

Gizella Weisshaus

Gizella Weisshaus
203 Wilson Street
Brooklyn NY 11211
(718) 387-0026.

EXHIBIT "1"

D+7

New York University
A private university in the public service

School of Law

40 Washington Square South, Room 307
New York, NY 10012-1099
Telephone: (212) 998-6172
FAX: (212) 995-4341

E-mail: neuborne@juris.law.nyu.edu

Burt Neuborne
John Norton Pomeroy Professor of Law
Legal Director, Brennan Center for Justice

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ NOV 04 2002 ★
P.M.
TIME A.M.

September 18, 2002

Hon. Edward J. Korman
Chief Judge
United States District Court for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Holocaust Victims Asset Litigation Civ. 96-4849 (ERK)(MDG)

Your Honor:

I have reviewed the declaration of Stephen Whinston, in which he urges that Mr. Urbach's fee award be increased to reflect time necessarily spent in client contact. Given Mr. Urbach's extraordinary commitment to his clients, I would support an increase in the fee award that reflects his commitment.

Sincerely yours,

Burt Neuborne

cc: Mel Urbach
Stephen Whinston

(28)

1443

EXHIBIT "2"

התרגום של הענגליש בה,,טיימס"

הטעם למה אנו חתומי מטה קהילות הארטאדאקסים ממאנים לקחת מה,,ביליאנען דאללערס" שנותנים לקרבנות השואה

הננו מכריזים בשער בת רבים, שהרבה ממעשיהם של ה,,איחוד עולמי" של הקהילות החרדיות" בשייכות לתביעותיהם בבית המשפט ובשאר מקומות, נגד ה'שווייצער בענק, ונגד ה,,דויטשע באנק" ו/או נגד ממשלתם, כבר הורו עליהם רבני קהילותינו שהם אסורים עפ"י דיני תורתינו הק'.

על כן הננו מכריזים שאנחנו מקיימים הוראותם, והננו ממאנים כל קשר או תמיכה למעשים האלו ע"י ה,,איחוד עולמי", כמו"כ אין אנו מקבלים שום אחריות לכל המעשים האלו ודומיהם, ולא נקבל שום חלק מאיזה כספים שיתנו שה'בענק הנ"ל או הממשלות שלהם יתנו כתוצאה מהשתדלותם של ה,,איחוד עולמי".

ובוודאי שכל זה שייך גם כן על כל תביעה וגילוי דעה וכדומה הנעשים ע"י איזה יחיד או איזה מוסד שהוא, נגד איזה מדינה שהיא בקשר להתנהגות המדינה ההיא במשך ימי מלחמות העולם השניה.

כל מה שאנחנו רוצים, הוא לחיות בשלום בארצות הגולה אשר הקב"ה הגלה אותנו לשם עד ביאת המשיח, שהוא יהי' שליח לגאלינו והוא ימליך מלכות שמים על כל הארץ.

מיותר לומר שלאור הנ"ל אין אנחנו מתערבים בפאליטיק של שום מדינה, ולכן אנו מוחים נמרצות נגד שום גילוי דעת או מעשה ע"י יחידים, חבורות או מוסדות, נגד העם היושב בעסטרייך בקשר להרכבת ממשלתם.

Why We Undersigned Orthodox Jewish Communities Reject Participation In Billions Of Dollars Obtained For Holocaust Victims

We hereby publicly declare that many of the actions of the World Council of Orthodox Jewish Communities (WCOJC), in connection with their claim in the courts and otherwise, against Swiss banks, Deutsche Bank and/or their respective governments, and certain other governments, have been ruled by our Rabbis to be forbidden by the rules of our holy Torah (Jewish law codex).

We declare that we are abiding by these rulings and hereby disclaim any connection or support of such actions by WCOJC. Accordingly, we do not take any responsibility for these or any similar actions, and we **shall not partake of any funds which may be granted, pursuant to the actions of WCOJC, by those banks or their respective governments.**

Of course, the same applies to any provocative statements or claims etc. made by any individual or organization, against any nation in reference to their conduct during WWII (holocaust).

Our only desire is to live peacefully among the nations in the Diaspora where the Almighty, blessed be his name, has dispersed our people, until the coming of the Moshiach (the redeemer) who will be the messenger of Almighty G-D to redeem us; and will proclaim the kingdom of Almighty G-D upon the entire universe.

Needless to state that according to the above, we do not interfere in the politics of any state or nation, and therefore **we strongly condemn any statements or actions by any individuals, groups or organizations, against the people of Austria for the configuration of their government.**

USA

BROOKLYN, NY

Cong. Shomrei Hadas
207 Ross St.

Cong. Beth Medrash Chemed
161 Rodney St.

Cong. Yesoes D'Shlomo
178 Keap St.

Cong. Beth Aharon
646 Bedford Ave.

Cong. Binyan Dovid
134 Rutledge St.

Cong. Yirei Hashem Rachaburg
1556 53rd St.

Cong. Bnei Yisocher Kivyashed
255 Penn St.

Cong. Khal Bnei Ermunim
213-217 Hewes St.

Cong. Kvunas Halev
1854 43 St.

Congregation Neseres Olam
205 Hewes St.

Khal Adas Pope
394 Marcy Ave.

Voideslover Congregation
1946 47 St.

Cong. of Arad
226 Keap St.

Cong. Khal Falkichen
1133 49 St.

Cong. Beth Jacob
5610 12th Ave.

Cong. Or Pnei Shia
181 Hewes St.

KIRYAS JOEL, MONROE

Cong. Nata Sorek
1 Sassar Dr.

Cong. Bais Naftali
1 Oraham Ct.

Cong. Khal Charedim
1 Van Buren Dr.

MONSEY, NY

Cong. Avnei Shlomo
23A Elish Parkway

Cong. Beth Mordche
1 Camile Dr.

Khal Shaari Chesed
1 Cwen La.

Cong. Zichron Mordche
16 Maple St.

VIENNA, AUSTRIA

Cong. Shaare Tefila
Lorbeergasse 1
1030 Wien Austria

LONDON, ENGLAND

Cong. Toras Chaim
37 Craven Walk
London N16 England

E. ISRAEL

Cong. Yere Hapetamu L'Yaacov
37 Chazon Ish St.
Jerusalem - Beth Shemesh

CHESTER, NY

Cong. Ohel Torah
158 Greycourt Rd.

BEDFORD HILLS, NY

Khal Adas Kaane
163 Haines Rd.

WOODRIDGE, NY

Cong. Khal Yereim
Tuttle Ave.

Orthodox Jewish organizations interested in signing onto this declaration, people in official capacity or media representatives seeking further information, please contact: 212-330-0008

EXHIBIT "3"

D+F

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ SEP 18 2002 ★
P.M.
TIME A.M.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE
HOLOCAUST VICTIM ASSETS
LITIGATION

Master Docket No. CV-96-4849

ORDER AWARDING FEES AND EXPENSES TO BERGER & MONTAGUE, P.C.

The law firm of Berger & Montague, P.C. ("Berger"), has applied to this Court for an award of fees and reimbursement of expenses. Berger was co-counsel to the World Council of Orthodox Jewish Communities, Inc. and the other plaintiffs in No. CV 97-461 (E.D.N.Y.). Berger was appointed to the Executive Committee and its lead attorney in this matter, Stephen A. Whinston, was subsequently appointed as one of the Settlement Counsel.

The class and all other interested parties have had a full opportunity to consider and review Berger's fee application. The Settlement Notice advised the Classes of the overall ceiling for plaintiffs' counsel's fees. All fee applications have been filed with the Court and available for comment or objection by any interested party.

Further, this Court has received the comments of Lead Settlement Counsel Burt Neuborne on Berger's fee application. In his declaration of February 22, 2002, Professor Neuborne stated, in relevant part:

> Mr. Whinston participated constructively in the development of plaintiffs' legal position, and was an active participant in the negotiations that culminated in the settlement. Accordingly, he is clearly entitled to a substantial fee.

(31)

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Declaration of Burt Neuborne Concerning the Award of Attorney's Fees at 13. Prof. Neuborne recommended that Berger be awarded $1.1 million in fees and the reimbursement of its disbursements. Id. at 14. The Court agrees with Prof. Neuborne's observations regarding the participation of the Berger firm in this litigation and his conclusions regarding an award of fees and expenses.

Therefore, IT IS HEREBY ORDERED that Berger & Montague, P.C., shall be and is awarded the sum of $1,100,000.00 in fees and $142,981.55 in expense reimbursement. The signatories to the Settlement Fund are directed to pay Berger & Montague, P.C. the sum of $1,242,981.55 from the Settlement Fund.

SO ORDERED:

Brooklyn, New York
September 18, 2002

Edward R. Korman
United States Chief District Judge

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EXHIBIT "4"

DJF

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ NOV 04 2002 ★
P.M.
TIME A.M.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE
HOLOCAUST VICTIM ASSETS
LITIGATION

Master Docket No. CV-96-4849

ORDER AWARDING FEES AND EXPENSES TO LAW OFFICES OF MEL URBACH

The Law Offices Of Mel Urbach ("Urbach"), has applied to this Court for an award of fees and reimbursement of expenses. Urbach was co-counsel to the World Council of Orthodox Jewish Communities, Inc. and the other plaintiffs in No. CV 97-461 (E.D.N.Y.). Urbach was appointed to the Executive Committee and was subsequently appointed as one of the Settlement Counsel.

The class and all other interested parties have had a full opportunity to consider and review Urbach's fee application. The Settlement Notice advised the Classes of the overall ceiling for plaintiffs' counsel's fees. All fee applications have been filed with the Court and available for comment or objection by any interested party.

Further, this Court has received the comments of Lead Settlement Counsel Burt Neuborne on Urbach's fee application.

Based on further submissions of The Law Offices Of Mel Urbach and Stephen Whinston the Court has agreed to modify the fees of the Law Offices Of Mel Urbach.

Therefore, IT IS HEREBY ORDERED that the Law Offices Of Mel Urbach shall be and is awarded the sum of ~~$550,000.00~~ $500,000.00 in fees and $41,558.00 in expense reimbursement. The total

29

1448

payment of $591,558.00 shall issue immediately from the Settlement Fund.

SO ORDERED

Brooklyn, New York
~~September~~ Nov 1, 2002

Edward R. Korman
United States Chief District Judge

(30)

EXHIBIT "5"

SWISS BANKS HOLOCUAST FUNDS
PAYMENTS TO PLAINTIFFS' ATTORNEYS
FROM INCEPTION (NOVEMBER 23, 1998) THROUGH DECEMBER 31, 2005

Payment Date	Description	Total	Fees	Reimbursed Expenses
20-Sep-02	Barry A. Fisher PC	327,639.99	300,000.00	27,639.99
20-Sep-02	Berger & Montague	1,242,981.55	1,100,000.00	142,981.55
20-Sep-02	Cohen & Malad	1,270,503.68	1,000,000.00	270,503.68
20-Sep-02	Lieff Cabraser Heimann & Bernstein	1,970,994.86	1,500,000.00	470,994.86
6-Nov-02	Law Offices of Mel Urbach	541,558.00	500,000.00	41,558.00
7-Nov-02	Martin Mendelsohn	25,368.31	-	25,368.31
5-Dec-02	Kohn, Swift & Graf, P.C.	1,283,336.53	1,125,000.00	158,336.53
10-Dec-02	Edwards & Angell (Edward Fagan)	972,311.69	750,000.00	222,311.69
19-Feb-03	Marks Law Firm	358,000.00	323,000.00	35,000.00
	Total payments to Plaintiffs' attorneys	7,992,714.61	6,598,000.00	1,394,714.61

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE:
HOLOCAUST VICTIM ASSETS LITIGATION

Case No. CV 96-4849 (ERK)(MDG)
(Consolidated with CV 99-5161 and CV 97-461)

This Document Relates to: All Cases

ORDER GRANTING APPLICATION FOR ATTORNEY'S FEES AND EXPENSES TO EDWARD D. FAGAN

KORMAN, Chief Judge:

Edward D. Fagan, filed an application for counsel fees of $3,980,824.90. This reflects a lodestar of $1,738,351.50 multiplied by 2.29%. Mr. Fagan also seeks an additional $250,000 in fees for representing Christopher Meili. Mr. Meili's claim against the defendants was settled for $1,000,000.00 from which Mr. Fagan was to recover 25%. When Mr. Meili received the money due from the Settlement Fund for the release of his claims against the defendants; the $250,000 due Mr. Fagan was challenged and withheld for reasons that are not material.

The Fourth Supplemental Affidavit of Professor Neuborne filed on November 6, 2002, recommends that Mr. Fagan's application be resolved as follows:

$750,000......payable to Edward Fagan

$400,000......payable to five members of the plaintiff-class whose efforts materially aided the plaintiff-class:

Gisella Weisshaus....$100,000
Alice Fisher..............$ 75,000
Naomi Nagel.............$ 75,000
Rudolfine Schlinger...$ 75,000
Joshua Lustman.........$ 75,000

This recommendation, which Mr. Fagan has accepted, is in complete satisfaction of Mr. Fagan's claim for fees. Mr. Fagan is also awarded disbursements in the sum of $222,311.61, the amount he requested, after the deduction of $30,000 he had sought for the enhancement of a database he had created. Mr. Fagan has agreed to accept this amount in complete satisfaction of his claim for disbursements.

The signatories to the Settlement Fund are directed to pay the foregoing fees of $750,000 payable to Edward Fagan and his attorneys, Edwards & Langell, and $100,000 payable to Gisella Weisshaus, $75,000 to Alice Fischer, $75,000 to Naomi Nagel, $75,000 to Rudolfine Schlinger, and $75,000 to Joshua Lustman.

The signatories of the Settlement Fund are also directed to reimburse Edward Fagan for disbursements in the amount of $222,311.69. This sum is to be paid to Edward Fagan and his attorneys Edwards & Langell.

SO ORDERED:

Brooklyn, New York
December 4, 2002

Edward R. Korman
United States Chief District Judge

EXHIBIT "6"

New Jersey Law Journal
STATEWIDE LEGAL AUTHORITY SINCE 1878

LAW.com's LEGAL TECHNOLOGY SITE is now open for business

• Dow Closes Down 24 While Nasdaq Falls 28 - Associated Press (4:25 pm)
• Windows Minus Media Player to Be Shipped - Associated Press (4:57 pm)
• Cingular Wireless Loses $497 Million in 4Q - Associated Press (4:30 pm)
• Oil Prices Rise Toward $49 a Barrel - Associated Press (3:42 pm)
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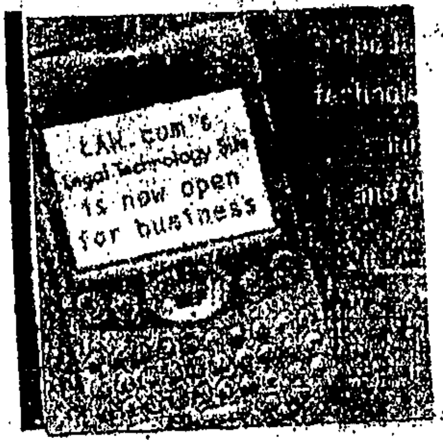
Ethics Charges Leveled at Lawyer Who Fostered Holocaust Settlement

Thursday January 20, 2:58 am ET

John Covaleski, New Jersey Law Journal

A New Jersey lawyer who won worldwide acclaim for helping Holocaust victims and survivors secure a $1.25 billion settlement from Swiss banks is now facing ethics charges that he misappropriated funds from two of those clients -- infractions punishable by disbarment if proved.



In a complaint filed Jan. 5, the state Supreme Court's Office of Attorney Ethics alleges that Edward Fagan made unauthorized disbursements from one client's $600,000 settlement and from an $82,683 trust account for which another client was executor.

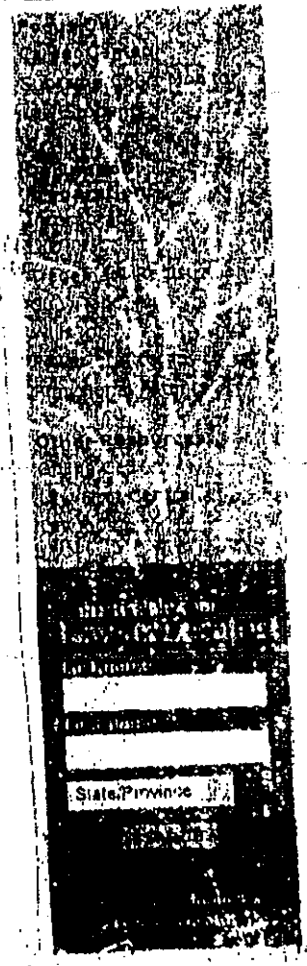
The OAE alleges that Fagan took $427,500 in the first case, a settlement established for client Estelle Sapir, wrongfully transferring the money to his own account. In the second case, he is alleged to have transferred $40,000 from an account overseen by client Gizella Weisshaus to his own account and to have used the funds to cover expenses.

Fagan denies the charges: "They are wrong about the allegations and all that will be shown in the course of my defense," says Fagan, who previously had offices in Livingston, N.J., and New York but now operates only out of New York.

Fagan's lawyer, Hackensack, N.J., solo Kim Ringler, says the clients have since been made whole and that Fagan has been cooperating with the OAE.

But OAE Deputy Ethics Counsel John McGill III says that reimbursement of clients is irrelevant for purposes of imposing discipline.

Fagan says he plans to continue his practice and "to dedicate my services to



(37)

victims' rights cases as I have been doing all along." He says that he presently has more than 50 cases filed in New York's Southern District Court alone. They include suits on behalf of the Association of Holocaust Victims for the Restitution of Artwork and Masterpieces. In those cases, Fagan is suing two Austrian banks, the Austrian government, the Federation of Russia, Federation of Hungary and the U.S. government, seeking the return of art works allegedly sold without permission of their Jewish owners.

Meanwhile, creditors are lined up against him in other matters. A records search by Superior Information Services in Trenton, N.J., a division of Charles Jones Inc., shows 28 outstanding court awards and liens of more than $4 million against him and his firm, Fagan & Associates. Outstanding judgments against Fagan include three from clients who alleged that he neglected their cases while he focused on the Holocaust matter.

He adds that though he earned a total of $3.8 million in fees for the Holocaust settlement, he has not won a major court award or settlement since.

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(34)

EXHIBIT "7"

ORIGINAL

No. 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GIZELLA WEISSHAUS,

Plaintiff,

-against-

UNION BANK OF SWITZERLAND, SWISS BANK CORPORATION, SWISS BANK CORPORATION a/k/a SWISS NATIONAL BANK, BANKING INSTITUTIONS #1-#100 and JOHN DOES #1 - #100,

Defendants.

Order
The motion is denied.
ERKorman USDJ 6/7/99

NOTICE OF MOTION FOR PRELIMINARY INJUNCTIO[N] WITHOUT EVIDENTIARY HEARING OR ORAL ARGUMEN[T]

96-CV-4849 (ERK

FILED
JUN 7 1999
EDNY PRO SE OFFICE

Gizella Weisshaus, lead plaintiff, moves the Court, in connection with the complaint filed October 3rd 1996, to consider plaintiff's request for preliminary injunctive relie[f] based on the pleadings, affidavits, and memoranda of the parties, without evidentiary hearin[g] and without oral argument, pursuant to FRCP 65(a), unless such is desired by the Court.

Gizella Weisshaus, lead plaintiff, respectfully urges the Court to set a date for June 23th 1999, defendant, to file its answer and for plaintiff to file its affidavits an[d] memorandum. The Court is urged to set a further date thereafter for defendant to file, if necessary, a reply memorandum.

In support of this motion, plaintiff submits the following:

1. The matters involved herein require prompt consideration by the Court.
2. This motion is made with the realization that issues of credibility may exist. However, existence of such issues should not be an impediment to the issuance of the injunction, since the Court must only satisfy itself that plaintiff has reasonable cause to

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EX I (1)

Exh I

WEISSHAUS 7183876370 00:34 05/05/2006

EXHIBIT "8"

11/05/02	1447	MEMORANDUM and ORDER "I deny the application for a risk enhanced multiplier or for a percentage fee equal to slightly less than 1% of the Settlement Fund to be divided by him and others who joined in his application: I also reject Mr. Swift's request that his firm's lodestar be enhanced by a multiplier of 2.29. Swift Mem. at 16. I award the full amount of Kohn Swift & Graf's lodestar enhanced by $270,578 for a total recovery of $1.125 million recommended by Professor Neuborne and disbursements of $158,338.53. Only one law firm has received a more generous award and that award was based on an unenhanced lodestar. While Mr. Swift has requested an evidentiary hearing, I reject that suggestion. Some of the issues he raises do not underlie my ruling, Swift Lodestar dated 9/17/02, at p.2, others, mainly involving the Neuborne declarations, are pointless since those declarations provide the basis for the award of his full lodestar and a generous excellence enhancer. (signed by Chief Judge Edward R. Korman on 11/4/02). C/fx by chambers. (kn) [Entry date 11/05/02] [1:96cv4849]
11/05/02	1449	Corrected ORDER awarding fees and expenses to Law Offices of Mel Urbach. The Law Offices of Mel Urbach shall be and is awarded the sum of $500,000.00 in fees and $41,558.00 in expense reimbursement. The total payment of $541,558.00 shall issue immediately from the Settlement Fund. (signed by Chief Judge Edward R. Korman on 11.1.02). C/fx by chambers. (kn) [Entry date 11/05/02] [1:96cv4849]
11/05/02	1450	MOTION for reconsideration of the court's memorandum and order of 10/23/02 regarding fees to Kohn Swift & Graf, P.C. (kn) [Entry date 11/05/02] [1:96cv4849]
11/05/02	1452	LETTER dated 10/28/02 from Cesha Glazer to USDJ Edward R. Korman requesting that all additional available funds recieved are fairly distributed on a pro-rata basis. (kn) [Entry date 11/05/02] [1:96cv4849]
11/06/02	1453	LETTER dated 2/9/01 from Stephen A. Whinston to USDJ Edward R. Korman re: awarding of attorney fees. (kn) [Entry date 11/06/02] [1:96cv4849]
11/06/02	1454	MEMORANDUM and ORDER denying [1450-1] motion for reconsideration of the Memorandum and Order of 10/23/02 re: fees for Kohn Swift & Graf. (signed by Chief Judge Edward R. Korman on 11/5/02). C/fx by chambers. (kn) [Entry date 11/06/02] [1:96cv4849]
11/06/02	1455	LETTER dated 9/26/02 from Gunther Karger to USDJ Edward R. Korman. (kn) [Entry date 11/06/02] [1:96cv4849]
11/07/02	1456	MEMORANDUM and ORDER for Mr. Hausfeld to respond to Swift's allegation in his memorandum dated 10/28/02 at 2. (signed by Chief Judge Edward R. Korman on 11/6/02). C/fx by chambers. (kn) [Entry date 11/07/02] [1:96cv4849]
11/07/02	1457	NOTICE of entry of orders on November 4-5, 2002. (kn) [Entry date 11/07/02] [1:96cv4849]
11/13/02	1458	NOTICE of entry of memorandum and order on 11/6/02. (kn) [Entry date 11/13/02] [1:96cv4849]
11/14/02	1459	LETTER dated 10/29/02 from Michael Bradfield, Special Master, to USDJ Edward R. Korman requesting approval to make corrections to the Hojetas award from the

EXHIBIT "9"

D+F

FILED
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U.S. DISTRICT COURT E.D.N.Y.
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P.M. ______
TIME A.M. ______

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-- X

IN RE:
HOLOCAUST VICTIM ASSETS
LITIGATION

Case No. CV 96-4849 (ERK)(MDG)
(Consolidated with CV 99-5161
and CV 97-461)

This Document Relates to: All Cases

ORDER GRANTING APPLICATION FOR ATTORNEY'S FEES AND EXPENSES TO KOHN, SWIFT & GRAF

-- X

KORMAN, Chief Judge:

A corrected Memorandum and Order having been filed on November 4, 2002 awarding Kohn, Swift & Graf $1.125 million in fees and $158.336.53 in disbursements, the signatories of the Settlement Fund are directed to pay fees to Kohn, Swift & Graf in the amount of $1,125,000.00 and reimburse Kohn, Swift & Graf $158,336.53, for a total of $1,283,336.53.

SO ORDERED:

Edward R. Korman
Edward R. Korman
United States Chief District Judge

Brooklyn, New York
November 5, 2002

1466

EXHIBIT "10"

Fax (718) 260-2471

The BLACKSTAR News

FILED
IN CLERK'S OFFICE
U.S. DIS... E.D.N.Y.
★ JUL 26 2002 ★
P.M.
TIME A.M.

234 5th Avenue, 5th Floor
New York, N.Y., 10001
(212) 481-7745
Milton@blackstarnews.com

Memo
The signature on Exhibit A is mine. Because of the perfunctory nature of motion, I may have scribbled it less carefully than usually do.
E. Korman
USDJ
9/25/02

July 23, 2002

Judge Edward Korman
US District Court
Eastern District of New York
Attn: Paula Marie Susi

96cv4849

Dear Judge Korman:

In reviewing some of the documents in connection to the Swiss Banks/Holocaust case brought by Gizella Weishauss (cv 96-4849) I notice that on the Notice of Motion for Pro Hac Vice Admission of Robert A. Swift Esq., your handwritten order granting the application appears on the right hand corner on the first page of the document (copy attached as "A"). I wanted to get a direct confirmation from you that this is indeed your signature since it appears slightly different to signature you executed on two other documents (RE: CV-96-488499, Request for an order to show cause, by Teddy I. Moore, esq. dated Nov. 15, 1999 and attached here as "B" and "Notice of Motion for Preliminary Injunction Without Evidentiary Hearing or Oral Argument" 96-Cv-4849 by Gizella Weishauss 6/7/99 and attached here as "C.")

I hope you can understand why I felt it was important to have this confirmation come from your honor. Additionally, Mrs. Weishauss says she was extremely dissatisfied with the resolution of the case and I would like to discuss this with your honor.

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Sincerely,
Milton Allimadi, Co-Publisher/Editor-in-Chief

NB: I also noticed ~~that~~ your honor writes USDJ after signing motions.

EXHIBIT "11"

FORM 1

NOTICE OF APPEAL

NOTE:
You may use this form to take an appeal provided that it arrives in the office of the Clerk of the district court within 30 days of the date of entry of the decision (60 days if the United States or an officer or agency of the United States is a party).

* * * * * * * * * * * * *

UNITED STATES DISTRICT COURT
FOR THE
eastern DISTRICT OF NY

Holocaust Victim Assets Litigation

NOTICE OF APPEAL

96 - 4849
Docket No.

Notice is hereby given that ABRAHAM FRIEDMAN
(party)

hereby appeals to the United States Court of Appeals for the Second Circuit from the decision

(describe it) order on distribution

entered in this action on the 20 day of November, 2000

Signature

Address 1331-48
Brooklyn NY 11219

(718) 854-8162
Telephone No.(with area code)

Date: 12/20/2000

878

Case No. 01-7531

...on 1/

...et No. [s] : 01-7531

In re: Holocaust Victim Assets Litigation

JUDAH GRIBETZ,

Special Master,

THE WORLD JEWISH RESTITUTION ORGANIZATION, SOUTH FLORIDA HOLOCAUST SURVIVORS COALITION, THOMAS WEISS, M.D.

Intervenor-Plaintiffs,

~~GIZELLA WEISSHAUS~~, on behalf of herself and all other persons of all national origins, ethnic groups, races, creeds and colors, similarly situated as victims and survivors of the Nazi Holocaust, JACOB FRIEDMAN,

Plaintiff - Appellees,

v.

UBS AG, CREDIT SUISSE GROUP,

Defendant - Appellants,

CERTAIN SWISS BANK ACCOUNTS DESCRIBED AS FOLLOWS: ALL ACCOUNTS AND FUNDS MAINTAINED AT CREDIT SUISSE, OR ANY OTHER FINANCIAL INSTITUIONS IN SWITZERLAND HELD IN THE NAME OR THE BENEFIT OF, ~~SWISS BANK CORPORATION~~, SWISS BANK CORPORATION, also known as Swiss National Bank, BANKING INSTITUTE #1 - 100, JOHN DOES # 1 - 100, SWISS BANKERS ASSOCIATION, BANK OF INTERNATIONAL SETTLEMENTS, ~~UNION BANK OF SWITZERLAND~~,

Defendants.

Authorized Abbreviated Caption 2/

Docket No. [s] : 01-7531
Friedman v. ~~Union Bank of Switze~~ UBS AG

1/ Fed. R. App. P. Rule 12 [a] and 32 [a].
2/ For use on correspondence and motions only.

RECEIVED MAY-23-01 11:06 AM

Proposed Amended Caption

Docket No. 00-9593

In re Holocaust Victim Assets Litigation,

Jacob Friedman, on behalf of himself and
all persons similarly situated,

Plaintiffs-Appellees

Romani Holocaust Survivors

Plaintiffs-Appellants

v.

Swiss Bankers Association, *et. al.*

Defendants-Appellees

The form of the suggested amended caption is modeled on an earlier appeal in this matter, Docket No. 00-7045, that was decided by a panel consisting of Judges Cabranes and Pooler. I note that several additional appeals have been filed in this matter that should, in the ordinary course, be consolidated with the appeal in question.

Sincerely yours,

Burt Neuborne
Lead Settlement Counsel

To: all interested counsel

EXHIBIT "12"

P-7

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

In re Holocaust Victim Assets Litigation

This Document Relates to All Actions

Master Docket No. CV-96-4849 (ERK)(MDG)

Consolidated with CV-96-5161 and CV-96-461

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ NOV 21 2002 ★
P.M. ______
TIME A.M. ______

Fourth Supplemental Declaration of Burt Neuborne Concerning the Award of Attorneys' Fees

1. I serve as court-appointed lead settlement counsel herein. I make this fourth supplemental declaration to supplement the declarations dated February 22, 2002, March 13, 2002, and April 10, 2002 that I have submitted in connection with the potential award of attorneys fees herein.

2. I make this supplemental declaration to reflect the results of a conference requested by Edward Fagan in connection with his application for fees herein. Mr. Fagan's initial fee application included a lodestar of approximately $1.73 million and a risk multiplier of 2.9%, for a total fee of more than $4 million. I opposed the application. I did not question the fact that Mr. Fagan had expended very substantial amounts of time on this litigation. Nor did I question the fact that Mr. Fagan was instrumental in commencing the litigation and in securing relevant information concerning plaintiffs' claims. Finally, I acknowledged that Mr. Fagan had played a leading role in presenting plaintiffs' case to the public.

3. Rather, I opposed any risk multiplier in this case, and questioned whether many of the tasks performed by Mr. Fagan in his lodestar qualified for traditional legal fees.

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4. Mr. Fagan requested a conference with the Court at which he withdrew his request for a risk multiplier, and clarified the nature of his legal work. At Mr. Fagan's request, I attended the conference.

5. Based upon the information imparted to the Court by Mr. Fagan at the conference, and pursuant to Mr. Fagan's request, I believe that a modified lodestar fee of $1,150,000 for Mr. Fagan is justified, payable in accordance with Mr. Fagan's wishes as follows:

$750,000......payable to Edward Fagan

$400,000......payable to five members of the plaintiff-class whose efforts materially aided the plaintiff-class:

Gisella Weisshauss....$100,000
Alice Fischer..............$ 75,000
Naomi Nagel..............$ 75,000
Rudolfine Schlinger...$ 75,000
Joshua Lustman ....$ 75,000

6. I understand that Mr. Fagan does not press a claim for fees from the settlement fund in connection with his representation of Christoph Meile.

7. I recommend the payment of Mr. Fagan's out-of-pocket disbursements from 1996-2000 of $121,871.61, as reflected in the accompanying schedule. An additional charge of $102,500 for the creation of a database may be recoverable, but additional information is required as to its purpose and current use.

Dated: November 6, 2002
New York, New York

Burt Neuborne
40 Washington Square South
New York, New York 10012
(212) 998-6172

EXHIBIT "13"

TED STATES DISTRICT COURT
TERN DISTRICT OF NEW YORK

SSHAUS, et al.,

Plaintiffs,

-v-

N BANK OF SWITZERLAND, et al.,

Defendant

96 cv 4849
(ERK-MDG)

DECLARATION IN SUPPORT OF NOTICE OF MOTION TO UNSEAL RECORDS

GIZELLA WEISSHAUS, pursuant to 28 USC 1746, declares as ows:

1. This class action suit was filed by me as the lead ntiff, and originally included over 28,000 members of the certified by Judge Korman on my original complaint.

2. An examination of the docket sheet for the within action ls that certain papers have been sealed (and some without escription).

3. Since this is a matter of great public interest and se there are numerous attorneys claiming potentially very fees for services, which may exceed the individual butions to the actual Holocaust Survivors, and also based ud upon the undersigned and upon the court by Atty. Edward it is critical that all "sealed" papers be unsealed for tion by the undersigned, members of the class, and the public interested in the satisfactory recovery by the ors.

4. Attached hereto as Exhibit "1" is a copy of relevant pages of the docket sheet where a reference to sealed papers appears.

WHEREFORE, declarant respectfully prays for an order of the court granting the following relief:

a. That all papers previously marked "sealed" as reflected by the selected pages of the docket sheet attached hereto, be ordered unsealed to permit inspection and copying thereof.

Dated: Monday July 31, 2000

Gizella Weisshaus

GIZELLA WEISSHAUS

EXHIBIT "14"

New York University
A private university in the public service

School of Law

40 Washington Square South, Room 307
New York, NY 10012-1099
Telephone: (212) 998-6172
FAX: (212) 995-4341

E-mail: NEUBORNE@TURING.LAW.NYU.EDU

Burt Neuborne
John Norton Pomeroy Professor of Law

August 1, 1997

I am interested in the answer to the following problem under the laws of Germany, France and Switzerland:

Suppose a well organized ring of burglars steals significant amounts of furniture and household goods from a large number of victims, and disposes of the loot by selling it to three department stores, with knowledge that the furniture was stolen. Suppose, further, that the department stores earn substantial profits from dealing in the stolen furniture. Once the burglars have been apprehended and placed in prison, must the victims identify which particular department store "fenced" which particular item of stolen property in order to require the department storges to disgorge the profits earned by dealing in the stolen property?

Burt Neuborne

Note of Prof. Burt Neuborne

In a civil action for disgorgement (illicit enrichement) the plaintif has to prove that the defendant has been unduly enriched by accepting and selling goods stolen from the Plaintif.

In a civil tort action (but not in an action for illicit enrichment) the department stores may be jointly responsible if they acted illegal in common to the detriment of the plaintif.

In case of a criminal prosecution the public prosecutor has to take all steps neccessary in order to identify the tortfaisors, i.e. all persons involved in the robbery or theft. Stolen goods may be confiscated and given to the legal owner.

28/8/1997